

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

702-0068

STIPULATED AGREEMENT No. 1005

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railroad Company, hereinafter referred to as the "Company", the County of Knox, hereinafter referred to as the "County", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission that inquiry should be made into the matter of improving public safety at the crossing of the Company's track with a public highway known as FAS-399 (CH-26) located near Galesburg, Knox County, Illinois, designated as crossing DOT 072 650D, milepost 168.03-Q; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvement upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that a certain improvement as hereinafter stated be made and that the cost for the proposed improvement be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 The improvement encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) the COMPANY should install constant warning time circuitry to control the existing automatic flashing light signals and gates;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvement which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvement should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvement should be:

- a) the cost to install constant warning time circuitry to control the existing automatic flashing light signals and gates, estimated at \$175,684, should be allocated 50% to the Grade Crossing Protection Fund (Fund), not to exceed \$87,842, with the Company bearing any remaining cost after payment from the Fund, as well as all future operation and maintenance cost thereof;

Section 6 Special Provisions: The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the

Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24<sup>th</sup> month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

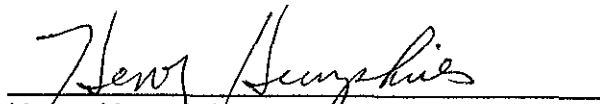
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 31st day of May, 2002.



Michael E. Stead  
Railroad Safety Program Administrator

Attest:

  
Henry Humphries,  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1005 concerning an improvement at the FAS399 (CH-26) grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Galesburg, Knox County, Illinois, designated as crossing AAR/DOT # 072 650D, Milepost 168.03-Q.

Executed by the Company this 4<sup>TH</sup> day of June 2002.

THE BURLINGTON NORTHERN AND  
SANTA FE RAILROAD COMPANY

By: \_\_\_\_\_

*Cheryl Martin*

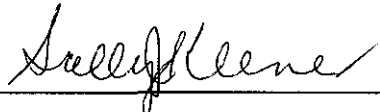
Attest:

*Freddie W. Sweeney*


Illinois Commerce Commission Stipulated Agreement No. 1005 concerning an improvement at the FAS399 (CH-26) grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Galesburg, Knox County, Illinois, designated as crossing AAR/DOT # 072 650D, Milepost 168.03-Q.

Executed by the County this 19<sup>th</sup> day of JUNE 2002.

KNOX COUNTY

By: 

Attest:



Illinois Commerce Commission Stipulated Agreement No. 1005 concerning an improvement at the FAS399 (CH-26) grade crossing of The Burlington Northern and Santa Fe Railroad Company track, near Galesburg, Knox County, Illinois, designated as crossing AAR/DOT # 072 650D, Milepost 168.03-Q.

Executed by the Department this 21<sup>st</sup> day of June 2002.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By:

James G. Laster, Jr.  
Director of Highways

STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 168.03-Q Inventory # 072 650D  
City (N) Galesburg Street FAS399 (CH-26) County Knox  
Jurisdiction Local Urban      Rural X Commercial      Residential       
Street Surface Oil/Chip Width 21' Condition Fair  
Angle 90° Tracks Tangent Yes Degree of Curve -- Superelevation -  
Depth of Cut ----- Height of Fill >2'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>Concrete</u>	<u>33'</u>	<u>Fair</u>
<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>
<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>	<u>      </u>

Intersecting Roads 100' None 200' None

Traffic Control Devices Present None

ADT 500 Speed 55mph (unposted) Statewide Yes

Schoolbuses Poss. Hazardous Materials Poss. Other     

Rail Traffic: Ft. 29 @ 60 mph Pass. 2 @ 79 mph Switch     

Simultaneous Movements No Daylight and Dark Yes

Present Protection AFLS-G

Advance Warning Signs Yes Pavement Marking No



## Visibility Study

Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	N/A		N/A	
NW	N/A		N/A	
SE	N/A		N/A	
SW	N/A		N/A	

### Approach Grades

East	<u>Meets</u>	<u>92</u>	<u>%</u>	<u>Ill.</u>	<u>Adm</u>	<u>%</u>	<u>Code</u>	<u>1535</u>	<u>%</u>
West	<u>"</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>"</u>	<u>%</u>	<u>"</u>	<u>"</u>	<u>%</u>

Comments: \_\_\_\_\_

This image shows a blank sheet of white paper with horizontal blue or grey ruling lines. A single vertical line runs down the left side, creating a margin. The lines are evenly spaced and extend across the width of the page. There is no handwriting or other markings on the paper.

EXHIBIT  
Page

Control Box  
28.0' to 90.0' - eop

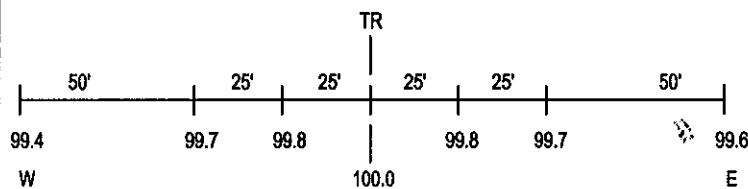
90

FAS 399

RAW Gate Standard Fl

Control Box  
11.0' to 18.0' - eop

4 | K:\02\0726500\0726500.DWG 03/06/00 11:10 JJA



Crossing #: 072650D  
Location: Knox Co., City of Galesburg (Near)  
Lat/Long: 40°52'04" / 90°23'41"  
Railroad: BNSF  
Street: FAS 399  
Railroad Milepost: 168.03  
Crossing Protection: Train Activated Devices

\*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\* FOR INTERNAL USE ONLY \*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\*

LOCATION	: GALESBURG	LINE SEGMENT	: 11	AFE NUMBER	:
PLANITEM NUMBER	: PSI072650D	MILEPOST	: 0168.04	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: BROOKFIELD	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 2	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 050.00	TAX STATE	: IL COUNTY: KNOX	REPORTING OFFICE	: 456
REQUESTER ID	: Q864 - JOHN M BANTER	MATL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381043	DEPT CODE	: MOWSG
DOT NUMBER	: 072650D			DERAILMENT CODE	:

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO UPGRADE CIRCUITRY WITH A NEW BUNGALOW W/ CONSTANT WARNING CIRCUITRY AT  
COUNTY ROAD 26 DOT 072 650 D L/S 0011 MP 168.04 IN GALESBURG, IL ON THE CHICAGO  
DIV.....BROOKFIELD SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTATIVE PACKAGES USED FOR ESTIMATING PURPOSE  
ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE  
MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF  
RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR  
MATERIAL, LABOR, AND OVERHEADS.

\*\*\*\*\* SIGNAL WORK ONLY \*\*\*\*\*

THE STATE OF ILLINOIS IS FUNDING APPROXITMATETLY 50% WITH BNSF FUNDING APPROXIMATELY 50%  
OF THIS PROJECT.

MAINTAIN PROPRIETARY CONFIDENTIALITY.

\*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\* FOR INTERNAL USE ONLY \*\*\*\*\* NOTE \*\*\*\* NOTE \*\*\*\*\*

	CASH CAPITAL	NONCASH CAPITAL	OPERATING EXP	REMOVAL COST	BILLABLE	TOTALS
LABOR COSTS	37,059	0	0	0	37,058	74,117
MATERIAL COSTS	36,571	0	0	0	36,570	73,141
OTHER COSTS	14,214	0	0	0	14,212	28,426
TOTALS	87,844	0	0	0	87,840	175,684

ENGINEERING SERVICES - KANSAS CITY  
ESTIMATE REF. NUMBER : PSI072650D - 1--2S  
COSTING DATE : 04/04/2002

PRINTED ON : 04/04/2002  
ESTIMATED BY : POOR  
PRINTED BY : POOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	1120.00	0.0 MH	26,726			
* LABOR SUBTOTAL							26,726	0	0	0
1120	319	400	9911	2TC TRACK CIRCUIT	1.0	EA N	500			
1120	319	400	9911	BATTERY	1.0	LS N	6,321			
1120	319	400	9911	BUNGALOW, 6 X 6	1.0	EA N	5,421			
1120	319	400	9911	CABLE	1.0	LS N	4,260			
1120	319	400	9911	CHARGERS	1.0	LS N	1,045			
1120	319	400	9911	HXP3R2 SYSTEM	2.0	EA N	32,404			
1120	319	400	9911	MISC. BUNGALOW MATERIAL	1.0	LS N	7,174			
1120	319	400	9911	MISC. FIELD MATERIAL	1.0	LS N	4,083			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	2,000			
1120	319	400	9911	RTU-6 CELLULAR MONITOR	1.0	EA N	1,818			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA N	1,684			
* MATERIAL SUBTOTAL							66,710	0	0	0
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,500			
1120	790	400	9911	FILL DIRT	20.0	CY N	500			
1120	434	400	9911	MACHINE RENTAL	1.0	EA N	4,160			
1120	790	400	9911	SURFACE ROCK	20.0	CY N	500			
* OTHER SUBTOTAL							11,660	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			14,816			
				EQUIPMENT EXPENSES			4,783			
				DA LABOR OVERHEADS			16,746			
				INSURANCE EXPENSES			4,214			
				USE TAX			4,267			
				OFFLINE TRANSPORTATION			836			
* GANG TOTAL							150,758	0	0	0
				SIGFIELD-5M - SIGNAL FIELD LABOR, 5 MAN						
8		400	9911	SIGNAL SHOP LABOR	80.00	0.0 MH	1,676			
* LABOR SUBTOTAL							1,676	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			929			
				EQUIPMENT EXPENSES			300			
				DA LABOR OVERHEADS			1,050			
				INSURANCE EXPENSES			264			
* GANG TOTAL							4,219	0	0	0
				SIGSHOP-1M - SIGNAL SHOP LABOR, 1 MAN						
8		241		PLACE FIELD WELDS	32.00	2.8 MH	705			
* LABOR SUBTOTAL							705	0	0	0
1120	308	200		WELDKIT, GENERIC FOR ALL RAIL WEIGHT	4.0	KT X	235			
* MATERIAL SUBTOTAL							235	0	0	0
* ADDITIVES										
				PAYROLL ASSOCIATED COSTS			390			
				EQUIPMENT EXPENSES			126			
				DA LABOR OVERHEADS			441			
				INSURANCE EXPENSES			111			
				MATERIAL HANDLING			5			
				USE TAX			15			
				OFFLINE TRANSPORTATION			2			
* GANG TOTAL							2,030	0	0	0
				HQWELDGANG-2M - WELDING GANG, 2 MAN						
8		241		PLACE OTM	16.00	1.4 MH	335			
* LABOR SUBTOTAL							335	0	0	0
1120	308	200		RAIL, 136 LB NEW WELDED, PREMIUM :	80.0	LF X	959			
* MATERIAL SUBTOTAL							959	0	0	0

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
* ADDITIVES							185			
PAYROLL ASSOCIATED COSTS							59			
EQUIPMENT EXPENSES							209			
DA LABOR OVERHEADS							52			
INSURANCE EXPENSES							23			
MATERIAL HANDLING							28			
ONLINE TRANSPORTATION							61			
USE TAX										
* GANG TOTAL							1,911	0	0	0
SECGANG-3M - SECTION GANG (3 MAN)										
PROJECT SUBTOTAL							158,918	0	0	0
CONTINGENCIES							15,891	0	0	0
BILL PREPARATION FEE							875	0	0	0
PROJECT GROSS COST							175,684	0	0	0
LESS COST PAID BY OTHERS							87,840	0	0	0
PROJECT NET COST							87,844	0	0	0

\*\*\*\*\* MAINTAIN PROPRIETARY CONFIDENTIALITY \*\*\*\*\*

THE B. N. S. F. RAILWAY COMPANY  
FHPM ESTIMATE FOR  
STATE OF ILLINOIS

LOCATION:- GALESBURG DETAILS OF ESTIMATE PLAN ITEM: PSI072650D VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

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MAINTAIN PROPRIETARY CONFIDENTIALITY

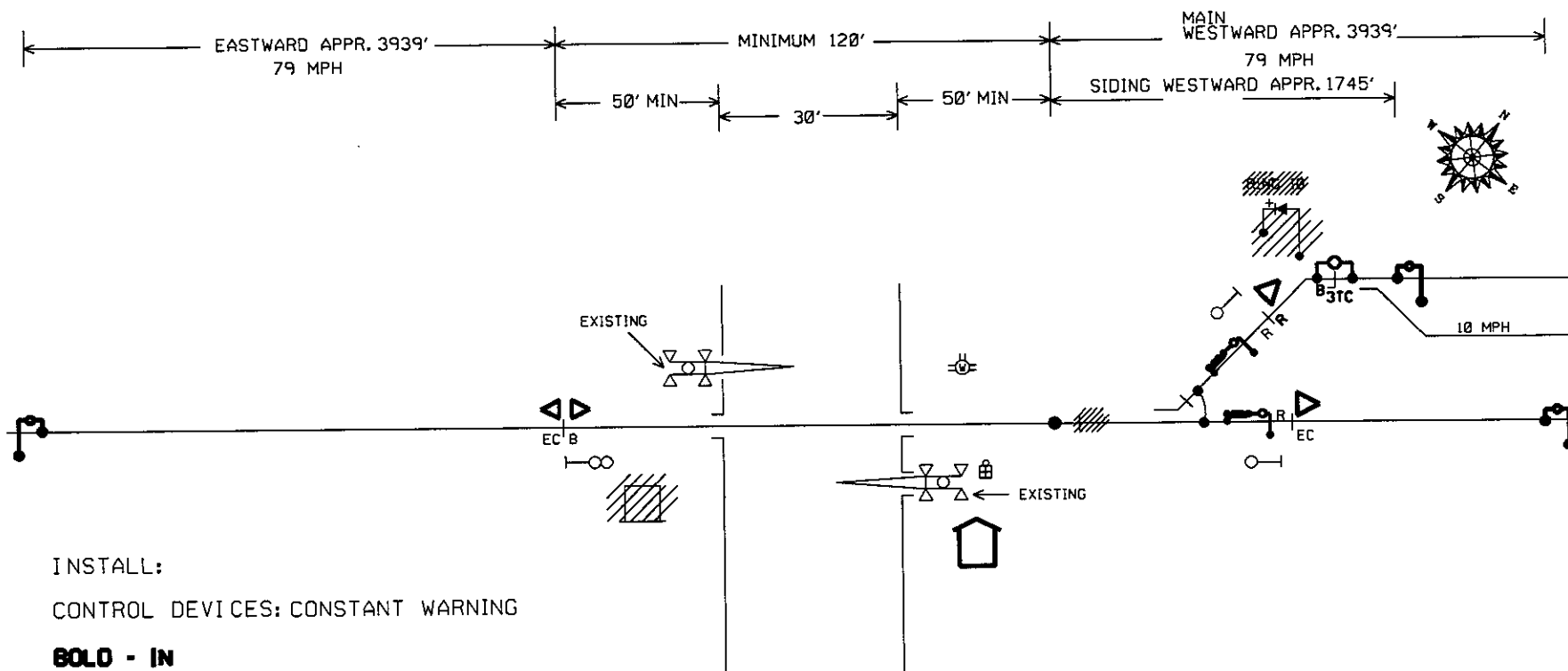
DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$
***** LABOR *****				
PLACE FIELD WELDS	34.88	MH	705	
PLACE OTM	17.44	MH	335	
SIGNAL FIELD LABOR	1120.00	MH	26,726	
SIGNAL SHOP LABOR	80.00	MH	1,676	
PAYROLL ASSOCIATED COSTS			16,320	
EQUIPMENT EXPENSES			5,268	
DA LABOR OVERHEADS			18,446	
INSURANCE EXPENSES			4,641	
TOTAL LABOR COST			74,117	74,117
***** MATERIAL *****				
RAIL, 136 LB NEW WELDED, PREMIUM :	80.00	LF X	959	
WELDKIT, GENERIC FOR ALL RAIL WEIGHTS	4.00	KT X	235	
2TC TRACK CIRCUIT	1.00	EA N	500	
BATTERY	1.00	LS N	6,321	
BUNGALOW, 6 X 6	1.00	EA N	5,421	
CABLE	1.00	LS N	4,260	
CHARGERS	1.00	LS N	1,045	
HXP3R2 SYSTEM	2.00	EA N	32,404	
MISC. BUNGALOW MATERIAL	1.00	LS N	7,174	
MISC. FIELD MATERIAL	1.00	LS N	4,083	
MISC. MATERIAL	1.00	EA N	2,000	
RTU-6 CELLULAR MONITOR	1.00	EA N	1,818	
VIGILANT RECORDER	1.00	EA N	1,684	
MATERIAL HANDLING			28	
ONLINE TRANSPORTATION			28	
USE TAX			4,343	
OFFLINE TRANSPORTATION			838	
TOTAL MATERIAL COST			73,141	73,141
***** OTHER *****				
CONTRACT ENGR.	1.00	EA N	6,500	
FILL DIRT	20.00	CY N	500	
MACHINE RENTAL	1.00	EA N	4,160	
SURFACE ROCK	20.00	CY N	500	

TOTAL OTHER ITEMS COST	11,660	11,660
		-----
PROJECT SUBTOTAL		158,918
CONTINGENCIES		15,891
BILL PREPARATION FEE		875
		-----
GROSS PROJECT COST		175,684
LESS COST PAID BY BNSF		87,844
		-----
TOTAL BILLABLE COST		87,840
		=====

TO ABINGDON

## The Burlington Northern &amp; Santa Fe Railway Company

TO GALESBURG



INSTALL:

CONTROL DEVICES: CONSTANT WARNING

**SOLO - IN**~~SLASH~~ OUT

SALVAGE: NONE

COUNTY ROAD 26  
DOT# 072 650 D

- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

## Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'  
Edge of Road to C.L. Foundation:

Min. 4'1" with curb,  
Min. 8'1" without curb,  
Max. 12'

House Clearance: 25' Min. to C.L. of Track  
30' Min. to Edge of Road

Front Lights: 30-15 Degree Lenses

Back and Side Lights: 70 Degree Lenses

Centilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.

GALESBURG, IL.

COUNTY ROAD 26

LS 0011 BROOKFIELD SUBDIVISION

MP. 168.04 CHICAGO DIVISION

DOT# 072 650 D

KANSAS CITY

NO SCALE DATE: 04/03/02

FILE: 0011168\_04.DGN

MCR/TLF